

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 24, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SCOTT AND CATHLEEN
BRUESKE,

Plaintiffs,

v.

CHELAN COUNTY,

Defendant.

No. 2:22-cv-00018-SMJ

**ORDER GRANTING MOTION
FOR PARTIAL REMAND**

Before the Court, without oral argument is Plaintiffs' Motion for Partial Remand, ECF No. 4. In their motion, Plaintiffs seek remand of the state law claims and the land use petition filed under Washington's Land Use Petition Act pursuant to the doctrine of *Pullman* abstention or else the Court's authority to decline supplemental jurisdiction over certain state law claims. *Id.* at 1, 4–9 (citing *Railroad Comm'n v. Pullman Co.*, 312 U.S. 496 (1941); 28 U.S.C. § 1367(c)). Plaintiffs, however, do not seek remand of their sole federal claim under 42 U.S.C. § 1983. *Id.* Defendant filed a response, noting that it agrees the state law claims would properly be remanded pursuant to *Pullman* and asking the Court to stay this matter pending resolution of the state law claims. ECF No. 5. Plaintiffs do not oppose the issuance of a stay. ECF No. 6. After review of the file, the

1 Court is fully informed and finds that remand of the state law claims and a stay of
2 the remaining claim is appropriate here.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 **1.** Plaintiff's Motion for Partial Remand, **ECF No. 4**, is **GRANTED**.

5 **2.** Pursuant to 28 U.S.C. § 1447(c), the Court declines to exercise
6 supplemental jurisdiction over the state law claims in this matter. As
7 such, Claim 1 and the land use petition, *see* ECF No. 1-1 at 7–12, are
8 **REMANDED** to Douglas County Superior Court. The Court retains
9 jurisdiction over Plaintiff's Section 1983 claim. *See id.* at 8–9.

10 **3.** This matter is **STAYED** pending resolution of the state law claims on
11 remand. The parties shall promptly inform the Court of any
12 resolution in the state court proceedings. **Every six months** until the
13 state court proceedings have resolved, the parties shall file a joint
14 status report, updating the Court on the case's progress.

15 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
16 and provide copies to all counsel.

17 **DATED** this 24th day of May 2022.

18 

19 SALVADOR MENDOZA, JR.
20 United States District Judge